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Michigan Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

Re: ADM File 2004-54

Dear Clerk:

The writer's comments on the following proposed Court Rules are:

5.302 COMMENCEMENT OF DECEDENT ESTATES (alternative B)

The inclusion of a certified copy of Death Certificate as an attachment to an application or petition to commence a decedent's estate, is unnecessary and simply increases the cost of probate proceedings. However, a copy (deleting the word "certified") of the death certificate would not be an unreasonable requirement.

Rule 5.409 REPORT OF GUARDIAN; INVENTORIES AND ACCOUNTS OF CONSERVATORS

Requiring the Conservator or Guardian to identify the value of a joint interest in property of the ward, does not make sense unless the word "joint" refers to property owned in common rather than in survivorship form. If the latter, the ward really has no definite interest other than an expectancy if the ward survives the death of the joint owner. If the ward dies first, the Conservatorship has no interest in the property. On the other hand, if the other joint owner dies first, the Conservatorship becomes the owner of a 100% interest in the property. I suggest it is simply enough if the Conservator or Guardian simply lists the property that is owned jointly and expressly discloses the form of ownership. On the other hand, if the joint ownership is not in survivorship form, I believe it is appropriate that the Conservator or Guardian should disclose the value of the ward's interest in the property.

Very truly yours,

TAYLOR & PATTERSON, P.C.

William Patterson

WP:sgp

